

REMARKS

Claims 3, 4 and 8 are pending in this application. Claims 3 and 4 have been amended. Reconsideration and allowance of the present application based on the following remarks are respectfully requested.

Claim Rejections under 35 U.S.C. §103

Claims 3, 4 and 8 stand rejected under 35 U.S.C. §103(a) as being unpatentable over Burke (U.S. Patent No. 6,032,162) in view of Harding (U.S. Patent No. 6,307,544) and Hoyle (U.S. Patent No. 6,628,314). Applicant has amended claims 3 and 4 to more precisely claim the present invention. Applicants respectfully traverse the rejection of claims 3, 4 and 8.

It is respectfully submitted that the Examiner is misapprehending the scope of both the claims of the present application and the teachings of the prior art. Claim 3 will be discussed as exemplary of the pending claims. Claim 3 requires, when the mouse is in, *inter alia*, the browser window, that "the web browser displays an advertisement in **an area** of the display screen where at least one of a menu bar, tool bar, a location, and/or browser logo of the web browser is to be displayed, **instead** of displaying the at least one of the menu bar, tool bar, location bar, and/or browser logo in **the area**" (emphasis added). However, "when the cursor is located in **the area** of the display screen where the at least one of the menu bar, tool bar, location bar, and/or browser logo is to be displayed," "the at least one of the menu bar, tool bar, location bar, and/or browser logo are displayed in **the area**" (emphasis added). The use of the word "instead" combined with the use of the phrase "the area" makes clear that the exact same area that at one time displayed, e.g., a menu bar, displays an advertisement at a different time, replacing the menu bar. The references cited by the Examiner, either alone or in combination, fail to disclose such a behavior.

With respect to Burke, the Examiner states that “each of areas 540 and 550 each [sic] contain ads as well as menu icons.” That is an accurate characterization of Burke. However, the claims of the present invention require more than both ads and menu icons in the same general region of the screen. Let’s say that, for instance, area 540 of Burke were to contain a menu bar in the left half of area 540 and an advertisement in the right half of 540. Claim 3 first refers to “an area of the display screen where ... a menu bar... is to be displayed.” The “area” of claim 3 would clearly read on the left half of area 540. However, claim 3 requires that “instead” of displaying the menu bar in the left half of area 540, an advertisement is displayed in “the area,” i.e., the area formerly occupied by the menu bar, corresponding to the left half of area 540. Burke does not disclose such a system. In short, Burke nowhere discloses, or even suggests, displaying an advertisement in an area and then, instead of an advertisement, displaying a menu icon. If Burke does demonstrate such replacement of advertisements with menu icons, Applicant respectfully request that the Examiner indicate where in Burke such a disclosure is made.

Further, Applicant respectfully submit that the Examiner’s motivation to combine Burke and Harding is inadequate as a matter of law. The Examiner states that one of ordinary skill in the art would be motivated to combine Burke and Harding “to provide an easy to user graphical user interface.” However, the Examiner fails to explain how hiding a menu bar and replacing the menu bar with an advertisement makes a graphical user interface easier use. The opposite conclusion is much more likely – hiding menus would make a user interface *less* easy to use. Further, the motivation to combine reference must be “clearly and particularly” taught in the references. *In re Dembiczak*, 175 F.3d 994, 999 (Fed. Cir. 1999). Neither Burke nor Harding, alone or in combination, even mention the phrase “ease of use” (or “easy” for that matter), let alone disclose replacing advertisements with menu bars based on the location of a mouse.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 3. Claims 4 and 8 are believed allowable for at least the same reasons presented above with respect to claim 3 by virtue of the fact that claims 4 and 8 contain similar language as claim 3.


Conclusion

Therefore, all rejections having been addressed, it is respectfully submitted that the present application is in a condition for allowance and a Notice to that effect is earnestly solicited.

Should any issues remain unresolved, the Examiner is encouraged to contact the undersigned attorney for Applicants at the telephone number indicated below in order to expeditiously resolve any remaining issues.

Respectfully submitted,

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